IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.478 OF 2007
IN
C.R.NO.327 OF 2006

Ravi Subhash Barshingnath ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mrs.Anjali Patil, Adv. for the Applicant.

Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 2nd April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.327 of 2006 of Nerul Police Station. The said case is under Sections 302, 201 of IPC.

3. It is the prosecution case that coaccused Anil Bendre had a love affair with one Jaya. The deceased Sunil was also in love with Jaya. On

account of this, Anil Bendre gave threats of dire consequences to Sunil. It is further the prosecution case that coaccused Anil Bendre and the present applicant along with other accused persons murdered Sunil.

4. I have perused the affidavit filed by the prosecution. On perusal of the affidavit it is seen that the only material against the present applicant is the statement made by the coaccused. As the present case is only under the Indian Penal Code, the statements of coaccused cannot be relied upon.

5. In the present case, the investigation is over and the chargesheet has been filed. There is no recovery at the instance of the applicant nor any incriminating articles has been seized by the prosecution from the applicant. Except the statement of coaccused, no other witness has implicated the applicant. Besides this case, admittedly, the applicant has a clean record.

6. In this view of the matter, I am inclined

to grant bail to the applicant.

7. The applicant to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The applicant shall report to Nerul Police Station once in a month.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)